

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

GENERAL MOTORS CORP., *et al.*,
Debtors.

Chapter 11

Case No. 09-50026 (REG)

(Jointly Administered)

**OBJECTION OF SIKA CORPORATION TO NOTICE OF (i) DEBTORS'
INTENT TO ASSUME AND ASSIGN CERTAIN EXECUTORY
CONTRACTS AND (ii) CURE COSTS RELATED THERETO**

TO: THE HONORABLE ROBERT E. GERBER
UNITED STATES BANKRUPTCY JUDGE

Sika Corporation ("Sika") hereby objects to the Notice of (i) Debtors' Intent to Assume and Assign Certain Executory Contracts and (ii) Cure Costs Related Thereto (the "Notice of Intent"), served upon Sika by the Debtors pursuant to this Court's Order Pursuant to 11 U.S.C. §§ 105, 363 and 365 and Fed. R. Bankr. P. 2002, 6004 and 6006 (i) Approving Procedures for Sale of Debtors' Assets Pursuant to Master Sale and Purchase Agreement With Vehicle Acquisition Holdings LLC, a U.S. Treasury-Sponsored Purchaser; (ii) Scheduling Bid Deadline and Sale Hearing Date; (iii) Establishing Assumption and Assignment Procedures; and (iv) Fixing Notice Procedures and Approving Form of Notice (the "Bidding Procedures Order"), stating as follows:

1. The Debtors commenced their voluntary chapter 11 bankruptcy cases on June 1, 2009 (the "Petition Date").
2. On June 2, 2009, this Court entered the Bidding Procedures Order, which includes procedures regarding Debtors' assumption and assignment of executory contracts.

3. Pursuant to the Bidding Procedures Order, the Debtors delivered a Notice of Intent to Sika, dated June 5, 2009, indicating that the Debtors intend to assume and assign some or all of the Debtors' contracts with Sika (the "Assumed Contracts").

4. Sika has no objection to the assumption of the Assumed Contracts, provided that the correct cure amount is paid. The Debtors' proposed cure payment for the Assumed Contracts is inadequate. As of the Petition Date, the Debtors owed Sika not less than **\$267,850.05** under the Assumed Contracts. A summary of the outstanding amounts due is attached hereto as Exhibit A.

5. Sika has been working with the Debtors to reconcile the cure amount due, but the parties have been unable to reach agreement as of the date hereof.

6. Sika reserves all rights to amend and/or supplement this objection.

WHEREFORE, Sika respectfully requests that this Court (i) set the cure amount to be paid to Sika for the Debtors' assumption of the Assumed Contracts at \$267,850.05, (ii) compel Debtors to pay the correct cure amount as a condition to assumption and assignment, and (iii) grant such other and further relief as is just and appropriate.

Dated: June 15, 2009

Respectfully submitted,

**TRENK, DiPASQUALE, WEBSTER,
DELLA FERA & SODONO, P.C.**
347 Mt. Pleasant Avenue, Suite 300
West Orange, NJ 07052
(973) 243-8600
Attorneys for Sika Corporation

By: /s/ Sam Della Fera, Jr.
Sam Della Fera, Jr.
(SD-4840)

EXHIBIT “A”

<u>Invoice #</u>	<u>DocumentNo</u>	<u>Doc. Date</u>	<u>4 of 8</u> <u>Amt in loc.cur.</u>	<u>Net due dt</u>
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